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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) 10021161-01 | | | | | | | | | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____ | Application Number 10/650,394 | Filed August 28, 2003 | | | | | | | | | |
| | First Named Inventor Douglas Mark Kennedy | | | | | | | | | | |
| | Art Unit 2179 | Examiner Shashi Kamala Becker | | | | | | | | | |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding: 5px;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; vertical-align: top; padding: 5px; text-align: center;">/Gregory W. Osterloth/ _____ Signature Gregory W. Osterloth _____ Typed or printed name</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="vertical-align: top; padding: 5px; text-align: center;">(303) 295-8205 _____ Telephone number</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> attorney or agent of record. Registration number _____</td><td style="vertical-align: top; padding: 5px; text-align: center;">July 28, 2008 _____ Date</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 36,232</td><td style="vertical-align: top; padding: 5px;"></td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> | | | | <input type="checkbox"/> applicant/inventor. | /Gregory W. Osterloth/ _____ Signature Gregory W. Osterloth _____ Typed or printed name | <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) | (303) 295-8205 _____ Telephone number | <input type="checkbox"/> attorney or agent of record. Registration number _____ | July 28, 2008 _____ Date | <input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 36,232 | |
| <input type="checkbox"/> applicant/inventor. | /Gregory W. Osterloth/ _____ Signature Gregory W. Osterloth _____ Typed or printed name | | | | | | | | | | |
| <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) | (303) 295-8205 _____ Telephone number | | | | | | | | | | |
| <input type="checkbox"/> attorney or agent of record. Registration number _____ | July 28, 2008 _____ Date | | | | | | | | | | |
| <input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 36,232 | | | | | | | | | | | |
| <input type="checkbox"/> *Total of _____ forms are submitted. | | | | | | | | | | | |

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Appl. No. | : | 10/650,394 | Confirmation No. 6752 |
| Applicant | : | Douglas Mark Kennedy | |
| Filed | : | August 28, 2003 | |
| TC/A.U. | : | 2179 | |
| Examiner | : | Shashi Kamala Becker | |
| Docket No. | : | 10021161-01 | |

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PRE-APPEAL BRIEF

1. Rejection of Claims 1, 3-10, 12-15, 17-24 and 26-33 Under 35 U.S.C. 103(a)

Claims 1, 3-10, 12-15, 17-24 and 26-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0054688 to Tran.

For purposes of this Pre-Appeal Brief, applicant will focus solely on the allowability of claim 1. All of the other claims that have been rejected over Tran are believed to be allowable, at least, for reasons similar to why claim 1 is believed to be allowable.

One of the limitations of applicant's claim 1 is a step of, "providing one of a plurality of interface pages to process an issue, wherein the interface page has a configuration corresponding to a predetermined access level of the user" (emphasis added). The Examiner asserts that the first portion of this step (i.e., the portion prior to the comma) is taught by Tran in paragraphs [0026] and [0027], and the last portion of this step is taught by Tran in paragraph [0033]. Applicant respectfully disagrees.

Tran's paragraph [0026] discusses an exemplary implementation of the "component list" used by Tran's issue tracking system. More generally, Tran's paragraph [0025] indicates that:

. . . A component defines a category of issues to be handled by the issue tracking system. A component list contains a list of components and contact information of at least one responsible entity. The responsible entity is a person (or a group of persons) who is responsible to solve or fix the problem reported.

In paragraph [0027], Tran indicates that three types of entities may access an issue tracking system 10. The three types of entities are: 1) user/customers 14 (i.e., those that report issues), 2) responsible entities 16 (i.e., those that solve or fix issues), and 3) an authorized user 18 (typically an administrator that has privileged access to the system, see par. [0033]).

Applicant cannot determine where Tran discloses an “interface page to process issues” in either of paragraphs [0026] and [0027]. However, in paragraph [0028], Tran discloses an “issue report screen” (see FIG. 4) that is displayable via a GUI to a user/customer 14. Given that the Examiner has not specifically identified which of Tran's elements is equivalent to claim 1's “interface page to process an issue”, applicant identifies Tran's issue report screen as the element that is most similar to claim 1's “interface page to process an issue”.

Applicant turns now to Tran's paragraph [0033], which the Examiner relies on for disclosing claim 1's “interface page [that] has a configuration corresponding to a predetermined access level of the user”. Tran's paragraph [0033] states, in part:

Referring back to FIG. 2, the authorized user 18 is typically an administrator of the tracking system 10, and has a privileged access to the system 10. The authorized user 18 is not only permitted to download the component list from the database, but also modify the component list and upload the modified component list back to the database. Such a privileged access may require a specific authorization such as a password. . . .

What Tran teaches or suggests in the above paragraph is that an authorized user 18 (and not a user/customer 14) can modify the component list 12 because of the authorized user's privileged access to the system 10. However, Tran does not indicate that the authorized user 18 receives or views the component list via “one of a plurality of

interface pages to process an issue”. In fact, Tran says absolutely nothing about how or whether the authorized user 18 views the component list. And, even if one speculates that Tran’s authorized user 18 uses some sort of interface to edit the component list 12, this interface would not be an “interface page to process an issue”. Instead, it would be an “interface to modify a component list”. A *component list*, which indicates which types of issues are handled by which responsible parties, is not an *issue*. Thus, an interface to modify a *component list* is not an interface page to process an *issue*.

Tran’s above excerpt also fails to teach or suggest the tying of 1) the configuration of an interface page **to process an issue**, with 2) a predetermined access level of a user. Tran only ties “privileged access” to the right *to modify a component list*.

The Examiner notes that, in paragraph [0034], Tran mentions that user/customers 14 need to log-off from the issue tracking system under certain circumstances, and because of this, the user/customer must certainly be provided an interface page that “has a configuration corresponding to a predetermined access level of the user”. Applicant disagrees. Tran provides absolutely no details on what log-in or log-off entails. Furthermore, even if users are required to log-in, Tran does not teach nor suggest that users are associated with predetermined access levels, or that a user is provided an interface page corresponding to the user’s predetermined access level. That is, as far as applicant can determine, Tran’s system provides the same interface pages to all user/customers 14, without tailoring the configuration of any interface page to any sort of *predetermined access level*. Although Tran mentions that the privileged access of an authorized user 18 may allow the authorized user to update a component list, there is no indication by Tran that the privileged access of the authorized user results in an interface page (and certainly an interface page **to process an issue**) being configured to correspond to the authorized user’s privileged access.

Another one of the limitations of applicant’s claim 1 is a step of, “providing an embedded uniform resource locator **of the issue record**” (emphasis added). The Examiner asserts that this step is taught by Tran in paragraphs [0026] and [0027]. More specifically, the Examiner asserts that Tran discloses “providing an embedded URL of

an issue record” because 1) the email that a user generates to report an issue contains an embedded URL; 2) the email that the issue tracking system 10 sends to notify a user/customer that an issue is being processed contains an embedded URL; and 3) the component list 12 contains contact information such as email addresses for responsible parties. Applicant respectfully disagrees.

To begin, applicant notes that Tran does not once mention a URL or an “embedded URL”. And, although an email may reference a URL of the email sender (or email host), sending an email to a responsible entity when an issue or problem is reported (opened) (Tran, par. [0026]) is not equivalent to “providing an embedded URL **of [an] issue record**”.

Although the Examiner speculates that an email alerting a responsible entity of an issue may comprise an embedded URL of an issue record, applicant disagrees. Note, for example, paragraphs [0031]-[0032] of Tran’s teachings, which state:

[0031] . . .The tracking system 10 may also notify the responsible entity 16 when an issue report is received, so that the responsible entity can access the system database to retrieve the issue report and perform necessary action.

[0032] The responsible entity 16 is a person (or a group) who solves the issue and fixes the problem. ***The responsible entity 16 typically accesses the database containing the issue reports, opens an issue to be solved, performs necessary actions, and then reports the results to the system 10.***

(Emphasis added).

Of note, Tran does not indicate that the responsible entity 16 receives an email and then clicks on or otherwise selects a URL embedded in the email to open the issue. Rather, Tran indicates that the responsible entity 16 is notified when an issue report is received, but the responsible entity then needs to access the database containing issue reports *and then open an issue to be solved*. Applicant believes this teaches or suggests to one of ordinary skill in the art that the notification received by the responsible entity 16 does not contain an “embedded URL of the issue record”.

Although Tran's component list 12 may contain 1) emails of responsible parties, and 2) associations of emails with components (i.e., types or groups of issues), the component list 12 does not embed a URL in any particular issue record (or otherwise provide an embedded URL ***of an issue record***).

For the above reasons, applicant asserts that Tran fails to teach or suggest all of the steps of claim 1. Claim 1 is therefore believed to be allowable. All other claims are believed to be allowable because they depend from claim 1, or for reasons similar to why claim 1 is believed to be allowable.

2. Rejection of Claims 2, 11, 16 and 25 Under 35 U.S.C. 103(a)

Claims 2, 11, 16 and 25 are believed to be allowable, at least, because 1) they ultimately depend from claim 1 or 15, 2) claims 1 and 15 are believed to be allowable for the reasons set forth in section 1 of this Pre-Appeal Brief, and 3) Pulley fails to teach that which is missing from Tran.

3. Conclusion

In light of the above Remarks/Arguments, applicant respectfully requests the issuance of a Notice of Allowance.

Respectfully submitted,
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